



# PROPOSED RULE MAKING

**CR-102 (June 2012)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Ecology AO # 11-06

☒ **Preproposal Statement of Inquiry was filed as WSR 11-14-111 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☒ **Original Notice**

☐ **Supplemental Notice to WSR \_\_\_\_\_**

☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject) Oil Spill Contingency Plan Chapter 173-182 WAC.

**Hearing location(s):**

See Attachment A

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Submit written comments to:**

Name: Sonja Larson

Address: PO Box 47600 Olympia, WA 98504-7600

e-mail: [spillsrulemaking@ecy.wa.gov](mailto:spillsrulemaking@ecy.wa.gov)

fax (360) 407-7288 by 5:00 PM on October 4, 2012

**Assistance for persons with disabilities: Contact**

Mary Ellen-Voss at (360) 407-7211 by September 20, 2012

If you have hearing loss, call TTY (771) or For Washington Relay Service if you have speech disability call (877)833-6341

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Ecology is proposing to amend the Oil Spill Contingency Planning rule (Chapter 173-182 WAC) to implement Chapter 122, 2011 Laws (E2SHB 1186). This rule making will:

- Update state oil spill preparedness planning standards to incorporate best achievable protection and best available technology.
- Improve the state's current vessels of opportunity system.
- Establish a volunteer coordination system.
- Require joint large-scale equipment deployment drills from tank vessels.
- Improve the state-required notification process to include potential spill threats as well as actual spills.
- Change contingency plan requirements for nonprofit "umbrella" organizations.
- Update definitions.
- Make other changes related to oil spill contingency plans and Ecology's contingency plan review and approval process.

**Reasons supporting proposal:** Following the direction of the legislature this rule will require oil spill response system improvements through a combination of best available technology and best available protection.

**Statutory authority for adoption:**

Chapter 88.46 RCW, Chapter 90.48 RCW, Chapter 90.56 RCW, and Chapter 122, 2011 Laws (E2SHB 1186) authorizes and directs Department of Ecology to implement rules on this subject.

**Statute being implemented:** Chapter 122, 2011 Laws (E2SHB 1186) authorizes and directs the Department of Ecology to implement rules on this subject.

**Is rule necessary because of a:**

Federal Law? ☐ Yes ☒ No

Federal Court Decision? ☐ Yes ☒ No

State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

**DATE** 8/14/12

**NAME** (type or print)

Polly Zehm

**SIGNATURE**

*Polly Zehm*

**TITLE**

Deputy Director, Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** August 14, 2012

**TIME:** 10:37 AM

**WSR 12-17-073**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** Washington State Department of Ecology

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Sonja Larson	Department of Ecology, Lacey, Washington	(360)407-6682
Implementation....Linda Pilkey-Jarvis	Department of Ecology, Lacey, Washington	(360)407-7447
Enforcement.....Linda Pilkey-Jarvis	Department of Ecology, Lacey, Washington	(360)407-7447

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

☒ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Education and Outreach Specialist

Address: Spills Program

PO Box 47600

Olympia, WA 98504-7600

phone (360) 407-7211

fax (407)407-7288

e-mail [spillsrulemaking@ecy.wa.gov](mailto:spillsrulemaking@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

A copy of the statement may be obtained by contacting:

Name: Education and Outreach Specialist

Address: Spills Program

PO Box 47600

Olympia, WA 98504-7600

phone (360) 407-7211

fax (407)407-7288

e-mail [spillsrulemaking@ecy.wa.gov](mailto:spillsrulemaking@ecy.wa.gov)

☐ No: Please explain:

## **Attachment A: Public Hearings for the rule proposal for Chapter 173-182 WAC Oil Spill Contingency Planning**

### **Hearing 1 –Marysville combined with a webinar**

**Date:** September 25, 2012

**Time:** 6:00 PM - Presentation, question and answer session followed by the formal public hearing.

**Location:**

Holiday Inn Express  
Skykomish Room  
8606 36<sup>th</sup> Avenue NE  
Marysville, WA 98270

**Webinar:** Ecology is also offering this presentation, question and answer session and formal public hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. To participate by phone, you will need to have a phone or computer with phone modem capability. For more information and instructions, go to [http://www.ecy.wa.gov/programs/spills/community\\_outreach/sppr\\_webinar.html](http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html)

**Comments:** Ecology will accept formal comments at the Marysville location and through the webinar audio portion by calling (800) 704-9804 / participant code (88955236#). For more information and instructions, go to [http://www.ecy.wa.gov/programs/spills/community\\_outreach/sppr\\_webinar.html](http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html)

**To join** the webinar click on the following link for more information and instructions:  
[http://www.ecy.wa.gov/programs/spills/community\\_outreach/sppr\\_webinar.html](http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html)

### **Hearing 2 – Vancouver**

**Date:** September 27, 2012

**Time:** 3:00 PM - Presentation, question and answer session followed by the formal public hearing.

**Location:**

Vancouver-Clark Parks and Recreation  
Marshall Community Center, Elm Room  
1009 E. McLoughlin Blvd.  
Vancouver, WA 98663